

5/3/88

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Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 2, 1988 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Louis Boschetti, Councilman  
Robert Pike, Councilman  
Denise Civiletti, Councilman

**Also Present:** Patricia Moore, Town Attorney  
Nadia Moore, Deputy Town Clerk

(Due to the late arrival of Supervisor Janoski [7:37 p.m.], Councilman Lombardi called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

**Councilman Lombardi,** "We'll have Reports."

**REPORTS**

Planning Board-Approval of boundary line alteration for Joseph and Lucy Owen; and subdivision of Aquebogue Associates, Section I.

Filed

Manorville Fire District-Annual Report for 1987.

Filed

S.C. Youth Bureau-1987 Year End Assessment.

Filed

**OPEN BID REPORT** - Police Telephone Equipment

Filed

Bid Date: May 2, 1988  
One Bid Submitted

#1 NAME: ROBERT CHAE/MOTOROLA

ADDRESS: STONY BROOK, NY

TOTAL BID: \$15,014.00

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**OPEN BID REPORT** - Renovation of Eastlawn-General Construction Filed

Bid Date: May 2, 1988  
3 Bids Submitted

#1 NAME: LIPSKY CONST.

ADDRESS: BAYPORT, NY

TOTAL BID: \$94,750.00

REPORTS, Continued

#2 NAME: GENDOT CONSTRUCTION  
ADDRESS: SAYVILLE, NY  
TOTAL BID: \$96,500.00

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#3 NAME: GARRET CONSTRUCTION  
ADDRESS: OAKDALE, NY  
TOTAL BID: \$96,373.00

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OPEN BID REPORT - Furnishing and Placing Asphalt/Highway Dept. Filed

Bid Date: May 2, 1988  
5 Bids Submitted

#1 NAME: BI-COUNTY PAVING CORP.  
ADDRESS: E. SETAUKET, NY  
TOTAL BID: \$ 62.20/50 ton  
50.15/350 ton  
46.36/650 ton  
44.78/1,000 ton

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#2 NAME: SOUTHFORK ASPHALT, CO.  
ADDRESS: EASTHAMPTON, NY  
TOTAL BID: \$ 49.12  
42.88  
39.12  
39.12

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#3 NAME: JOHN T. MONTECALVO  
ADDRESS: CENTER MORICHES, NY  
TOTAL BID: \$ 55.00  
42.50  
36.86  
36.67

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#4 NAME: BIMASCO, INC.  
ADDRESS: HAUPPAGUE, NY  
TOTAL BID: \$197.00  
54.00  
51.00  
49.00

REPORTS, Continued

#5 NAME: PAV-CO ASPHALT  
 ADDRESS: HOLBROOK, NY  
 TOTAL BID: \$ 84.00/50 ton  
                   61.50/350 ton  
                   55.00/ 650 ton  
                   52.00/1,000 ton

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OPEN BID REPORT - Silver Linings - Water Lateral Filed

(See Water District Minutes)

OPEN BID REPORT - Racquet Club on the Sound - Water Lateral Filed

(See Water District Minutes)

Tax Receiver-Report of Collections. Filed

Councilman Lombardi, "Correspondence."

CORRESPONDENCE

James Droskoski, 4/29/88-Requests that a short spur of road off Linda Lane West be named "Marjorie Court". Filed

Dennis G. Kenter, 4/22/88-Requests street lights be installed on the north side of Middle Road midway between Osborne Avenue and Mill Road. Filed

Keith F. Lewin, 5/2/88-Proposed legislation to regulate nuclear power plants and other sources of ionizing radiation. Filed

Councilman Lombardi, "Thank you. Mr. Supervisor, would you take over."

Supervisor Janoski, "The scheduled time for the first public hearing has not yet arrived and I would recognize anyone.... We have a long list of Unfinished Business. I once again, point out that the words in parenthesis indicate where the application is in the process."

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

**RESOLVED**, that the Minutes of Regular Board Meeting held on April 4, and Special Board Meeting held on April 25, 1988 are hereby approved and dispensed with.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# APPLICATIONS

Site Plan-Rising Sun Woodworking, Inc. to construct a woodworking shop in Aquebogue. Filed

Special Permit-Henry Lee-Additional 13 units in Baiting Hollow. Filed

Supervisor Janoski, "Ok. I recognize anyone wishing to be heard at this time. Henry and then Joe."

Henry Pfeiffer, Wading River, "As you drive east or west on 25A crossing Wading River Manor Road, there is a painting on the street which permits a left turn separate from the traffic proceeding directly ahead or making a right turn. I would like to suggest that you have the Highway Department check to see whether this could be done on Wading River Manor Road north and south of 25A so that two lanes, one for making a right turn or going directly ahead would be set on the extreme right in each case and one for making a left turn and both the north and south approaches to 25A. Do you follow what I mean? That's it."

Supervisor Janoski, "Thank you Henry. Joe."

Joe Sykora, Riverhead, "I don't know whether or not I should say anything about the racetrack but I have to. And I would like to ask. You people were invited to the racetrack to listen to the cars whether they had mufflers or none at all. Mr. Cromarty invited you. Did anyone go to the racetrack?"

Councilman Boschetti, "I didn't know I was invited."

Supervisor Janoski, "You mean the newspaper article? Actually I was at the High School at a concert and I did listen and I wanted to ask you a question. Did you have your noise measuring device out?"

Joe Sykora, "Yes I did."

Supervisor Janoski, "Did you notice any difference?"

Joe Sykora, "I want to explain something to you. At 3:45 to 4:20, I got a reading of 58 to 64 which (to me) is acceptable. I can sit on my bench and have a conversation and I had to go out to a dinner. I come back at quarter after nine. It was out of this world. At 9:35, the decibel reading was 84. At 9:40, it was 82. From 9:50 to 9:52 that was a full race. The reading ran from 74 to 82. Now, the last race, get this. From 10:15 to 10:22 the decibel readings were 60 to 68 which is really acceptable."

Supervisor Janoski, "I was out of doors in that period. As I said, I was at the High School and it seemed to me, that the noise level was reduced. I've talked to a number of people who live in the Polish Town area and that area and they said the same thing. So you, by measuring, did find that at certain times there was a reduction."

PERSONAL APPEARANCES, Continued

Joe Sykora, "I'm not being mean or nasty or what have you. I'm just showing you that some of the cars, at one time or another, must have had mufflers on them that were racing. But in between that time, the people around where they all came to my house Sunday morning (I wish you people were there) and they said it was out of this world. Like I said, until 10:15 at the last race. And that's all I want to say. I just wanted to know if anybody went to the racetrack because he invited you. And Mrs. Cromarty was being interviewed on Channel 24 at the time the races were being run. And she was telling the interviewer how quiet it was going to be and everything. And when the races started, she said to the interviewer, would you please speak up. I can't hear you. That's all I have to say. And I just hope the regulations that are being made at this time, are approximately the same as it was before. Thank you."

Supervisor Janoski, "There are. Do you want to take up this minute Bill?"

Bill Nohejl, Aquebogue, "In reference to Cablevision. Do you anticipate renewing franchises in the near future?"

Supervisor Janoski, "No."

Bill Nohejl, "Is there any.... When is the deadline for the present franchise? What is the expiration?"

Supervisor Janoski, "It's got about four years. What are your observations Bill?"

Bill Nohejl, "I have a problem. I guess a lot of people in my situation do have a problem. There isn't enough houses within a mile. And to come 1,250 feet from up by where Fox Chaser Road is, where Avery Young lives to my house, I must pay \$2,000."

Supervisor Janoski, "How much do you figure the wire cost, 1,200 feet of wire?"

Bill Nohejl, "I don't know but that's what they want."

Supervisor Janoski, "I know what they want because I've been trying to deal with a similiar situation in the Wading River area. A number of people want it. It's an undergrounding situation there. All the infrastructure is underground. So that to bring it in, it has to be trenched and brought in."

Bill Nohejl, "But this is on the pole coming down."

Supervisor Janoski, "That would cost them about \$600 because there is a community. That's what the lowest that we got it to."

Bill Nohejl, "But what is the figure split? How many...."

Supervisor Janoski, "It's spelled out in the franchise as to what the customer must pay when it's the situation of a sole house."

PERSONAL APPEARANCES, Continued

Councilman Lombardi, "It's \$1,500 up in Shade Tree Lane. There is four houses up there and they did put the undergrounding in. And there is 19 lots but there are only four homes up there. And these people, if they want cablevision, have to pay \$1,580 per person. We are trying to get something worked out."

Bill Nohejl, "When they have a franchise such as they do have, they're able to pick the good areas and just discard the rest. I feel that's a little unfair being that they can reap the green and not go and take a little of the burden otherwise. And that's why I was wondering when the franchise expired. If there was some way of negotiating a different way."

Supervisor Janoski, "It was one of the items of negotiation the last time we did negotiate a franchise with them. And I think the Board had to be realistic in understanding that it is a business and you can't expect someone to string 1,200 feet of wire or whatever the heck it is for free."

Bill Nohejl, "No. I understand that. But I also questioned them if there was other houses built in between and hooked on and they said after five years, they're not responsible to pro rate it. In other words, if houses came in there after five years after the line was there and I paid for it, I would be taking the whole blunt."

Supervisor Janoski, "And somebody built with the wire you put in."

Bill Nohejl, "That's right. That's why I feel that this kind of deal is a little unfair to someone who does extend it and doesn't get rebated. And I was wondering if there were negotiations in the future, if something could be done."

Councilman Lombardi, "Well, what's happening now Bill, is the developer has to pay for this."

Bill Nohejl, "I understand that. That's new."

Councilman Lombardi, "We just got that in there. Where the developer would charge you two or three hundred dollars for it, not to take it..."

Bill Nohejl, "I understand that. He puts it in when he puts the underground telephone and electric in and cable. But this is in existence. Thank you."

Supervisor Janoski, "Thank you Bill. Let the record show that the hour of 7:49 p.m. has arrived. The Deputy Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, May 3, 1988 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: The elimination of a parking space at a municipal parking field on Greenbrier Road, Wading River.

PUBLIC HEARING, ContinuedCORRESPONDENCE: March 18, 1988

Petition-13 Residents of Greenbrier Road asking that the parking space be blocked off because of traffic obstruction.

Supervisor Janoski, "Thank you. Is there anyone present representing Greenbrier....? I'm sorry. Ma'am Town Attorney."

Patricia Moore, Town Attorney, "This public hearing is for the purpose of receiving information and comment on the elimination of a parking space at Greenbrier Road in Wading River. We've received various complaints and requests to eliminate this parking space. We wish to eliminate a parking space on Greenbrier Road in Wading River. This parking space has been of concern because of visibility problems. We are trying to correct this possible problem."

Supervisor Janoski, "Thank you. Does the Wading River Civic Association have any position on this? Is there anyone who wishes to address the Town Board on the matter of the elimination of this parking space? Somehow I knew. Yes, Mr. Kasperovich."

William Kasperovich, Wading River, "I remember seeing these parking areas being laid out. I remember, not by name but by person and when people made sketches and maps for these parking slots. No public hearing, no nothing. Just laid it out and then went out there and painted it and that was it. Now, all of a sudden, to modify it, we need all kinds of "antitidoes" to reduce one spot. I can't quite understand. If you can make the spot, you can unmake the spot. If they made a mistake and they didn't put the spot right or one spot too many or in a way that it shouldn't be, it's a correction of the mistake that they made. That's all."

Supervisor Janoski, "So you object to the hearing. How do you feel about the elimination of the spot?"

William Kasperovich, "It should go. There was a mistake made."

Supervisor Janoski, "Thank you Bill. Is there anyone else present who wishes to address the Board on the elimination of this parking spot? That being the case and there being no objection, I declare the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 7:52

Supervisor Janoski, "I have two minutes remaining before the second public hearing. Mr. Roberts."

Bill Roberts, Cliff Way, "I'd like to have something clarified in my mind about Lynch Homes building the three houses on 58. My understanding was that those houses, although they are separate and distinct, would be the showroom for Lynch Homes from which they would sell additional homes to be built on individual's lots. I've worked, years ago, as a sales representative when the builders were developing Nassau County, Eastern Nassau County and they used to put up model homes. And they could put up possibly four or five model homes and only one of them would serve as the office. That one home would have

PERSONAL APPEARANCES, ContinuedBill Roberts, Continued

running water and it would have heat. I've passed those houses, Lynch houses on 58 and I see all three of them have had cesspools installed and now there are three oil tanks there and they will have oil tanks installed. And my question is, do these suddenly become residences when Lynch Homes decides that at some time in the future, they don't want that showroom."

Supervisor Janoski, "No."

Bill Roberts, "If that's the case why were the cesspools and the heating units put in there in the first place?"

Supervisor Janoski, "I don't know. All I can tell you is that in granting the special permit, the Town Board stipulated that those homes could exist there as models for a period of five years. After the expiration of that time, those homes must disappear from that lot. Either they are demolished or physically removed. And we also put in some other requirements with regards to pennants and signs and that type of concern. But the applicant.... It is industrially zoned as I recall which specifically prohibits residential development in an industrial zone and the idea of models (of course) doesn't appear in our codes. So it required an application to the Zoning Board of Appeals which did grant a variance for the use of the property for the use of model homes. But after five years, they go."

Bill Roberts "Then I'll wear the hair short. Why put the developer to the additional expense of putting in cesspools and heating plans if they're not going to be living in those houses?"

Supervisor Janoski, "The Town Board didn't do that."

Bill Roberts, "You mean Lynch Homes did it on their own?"

Supervisor Janoski, "I really don't know the answer to that."

Bill Roberts, "I'm just questioning. That's all. It's a substantial expense."

Councilman Boschetti, "They can't even sell out of them."

Supervisor Janoski, "Let the record show that the hour of 7:56 has arrived. The Deputy Town Clerk will please read the notice of public hearing."

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PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 3, 1988 at 7:55 p.m. to hear all interested persons who wish to be heard regarding: The Addition of a Local Law entitled, Environmental Zoning and Safety Act.



PUBLIC HEARING Continued

Supervisor Janoski, "And before we get into this hearing, what we were discussing up here was; that Lynch Homes can not use those homes as an office or to sell out of. They are there for demonstration (I guess the best word.) to show. Why did they put the..... I have no idea. It could be that (simply) because we require the home to have cesspools and whatever. I don't know. John is going to check it out tomorrow. Ok. We're into the Local Law. Madame Town Attorney would you like to."

Patricia Moore, "We have a public hearing on this Local Law. This is a Local Law that was introduced to the Board which is an attempt to make clear that the town does not wish the construction or operation of nuclear power plants in the Town of Riverhead as well as to prohibit the transportation of materials which would be classified as radio-pharmaceuticals and/or radioactive materials. This Local Law would be enacted to the extent that it would not be superceded or preempted by the State or Federal government."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the members of the Town Board regarding this proposed Local Law? Mr. Haugaard is that an indication?"

William Haugaard, Attorney, "I was going to start by citing the cases that I've been told. I have no personal knowledge."

Supervisor Janoski, "Bill, I know who you are but the microphone doesn't. So why don't you tell us who you are."

William Haugaard, Wading River, "Good evening. On heresay only, I made a very fast check and found that the City of New York and the Tri-Borough Bridge Authority (I am told) passed similiar regulations and restrictions on the transportation of radioactive material through their jurisdictions. That the United States Department of Transportation issued what they call HM-164, (Sort of a catchy title.) which set our guidelines for the transporation of radioactive material. And subsequently, made what they call an inconsistancy ruling which, in effect, abrigated the laws of the city and the rule of the Tri-Borough Bridge Authority in prohibiting this transportation. In other words, the local municipality was deemed to be.... It couldn't do this. I struggled with the Federal Register which I understand is published very briefly. I'm not into that. But I understand that the case regarding the City of New York was decided or an opinion was issued in September 12, 1985. And as to the Tri-Borough Bridge Authority, in December of 1987. Which to me, means that possibly this entire piece of proposed legislation is really ineffective for the purposes that are stated. Now, there are two mains things in the statute assuming that it does hold up at some time. I know that.... I read somewhere, Mr. Janoski, that you wanted an expert to tell you about these things. So I'm here. The ordinance defines radioactive material as any material in any form that emits ionizing radiation spontaneously. And I believe, if I'm not mistaken, that the radio-pharmaceuticals are the only thing that's exempt from the operation of the ordinance in that they refer to the uses of radioactive material for medical purposes. I'm not sure that that was made clear. But as a matter of fact, there is no real substance of any nature that I know of that is not, at least, somewhat radioactive. That is to say, all substances contain isotope atoms that are on unstable and will spontaneously emit particles that will cause ionization. This,

PUBLIC HEARING, ContinuedWilliam Haugaard, Continued

therefore, if you read this literally, you're prohibiting the transportation of anything including (by the way) the human body which you probably all heard of carbon-14, the carbon-14 method of dating which is a method by which these isotopes are stabilized at the time of the person's demise and then used later to determine how long ago he died. It's also true of all living things. That's at a very basic level. At a very basic level, all materials are somewhat radioactive. Some materials are somewhat more radioactive than others. Now, I brought with me and I knew you'd love this, a geiger counter. And the principal of the geiger counter is very simple. If I could only remember what it was, I'd tell it to you. But anyway, in this little tube is a chamber setting up a field that will react and cause a little click and a little thing here when enough energy goes in there to cause ionization. So in effect, the geiger counter directly measures ionization which is what you're after. So if you turn it on in a room like this, you shouldn't get very much. I'll turn it on to maximum now. And the first thing, by the way, check it against the little source here. Can you all hear that? That's a radioactive source which will be illegalized. So geiger counters will be illegal to transport. And then if you hang around here for a while, you'll get a little click. You hear it? So this room is somewhat radioactive. I was able to find or be supplied with an old wristwatch. It has radioactive radium in its dial. I don't mind holding it or looking at it. But it's radioactive. And here is a rock. A rock. And this rock was found in New England. It has some thorium in it and it's quite radioactive. And there's no way really, we can avoid being in the presence of radioactive materials and having them transported. At a second level, I mentioned the first level being common materials. At a second level, some things that are a little more.... The things that are more radioactive than others. Among them, coal is very much more radioactive than most materials. Concrete that we use in buildings. Other substances like that that we use. One thing you might be interested in is that the average smoke detector which you require to be put in a house, has as its principal, the use of radioactive materials. So technically under this ordinance, the importation smoke detectors which are basically considered to have more advantages from what they do than disadvantages from the fact that they have radioactive material in them is relevant. Now, there are many other industrial purposes or uses for radioactive materials. They use them for structural examinations, x-rays. You see they put them in something and then they x-ray out. This is the same principle they use when they use it for medical purposes. They x-ray out. In other words, it's like putting an x-ray machine inside the body and then you can look and you don't have to use intrusive surgery. The only way you can tell the things you can tell is the structures, would be to take the structure apart which is not actually the desired result. They have been used experimentally. They use them for pipes, oil companies use them for pipe inspections. They use a lot in scientific research. More recently, for food processing and sterilization. All of these uses are very very helpful to us. Especially in this age of collapsing bridges and people getting killed in fires. Things like that. So we find that they are very useful. So, point one; I'm getting to the end of my first point. As to radioactive materials without defining them in terms of numbers, is useless really. All materials are radioactive and you've got to define what you mean a little better. You've got to define it in terms

PUBLIC HEARING, ContinuedWilliam Haugaard, Continued

of how much emission that causes ionization does this stuff have. You really do. Otherwise it's awful. Otherwise you're all under arrest. However, having said that, we go on to the transportation of radioactive materials. Now, radioactive materials are materials, as you find, emit these particles but can be contained. And in the average smoke detector, for example, they're contained. They are in little chambers and that's good. That's the way they should be, contained. But that's the point. But you're really talking about the danger of radioactive materials that are not properly contained. A word that really should be a household word now. Containment of radioactive materials. So, anybody coming through the town, you wouldn't even know it if the materials (for example) here would put in a lead bucket or something. You wouldn't know. It's perfectly safe as far as the general public which is what you're trying to protect, to have the transportation of radioactive materials if they are properly contained. Consequently, I suggest that rather than prohibit them completely, you first of all, set a limit as to the numerical of it as a quantitative definition of what it is. Excuse me. Did you want to say something?"

Supervisor Janoski, "No."

William Haugaard, "And also describe that we prohibit them. You can't carry them around in an open bucket or in a paper bag. But other than that, if you've got them all wrapped up nice, they won't hurt anybody. So those are the suggestions I have for the amendment in addition to pointing out that possibly the Federal government has some ideas. Thank you."

Councilman Boschetti, "I have a question. Bill, what do you suggest as that threshold amount that you're referring to?"

William Haugaard, "I don't have the amounts. They're available all over but I don't have them."

Supervisor Janoski, "Thank you Bill. Is there anyone else wishing to address the Board on the matter of this proposed Local Law? That being the case and there being no objection, I declare the hearing to be closed. Let the record show that the hour of 8:12 p.m. has arrived. The Deputy Town Clerk will please read the notice of public hearing."

7:55 PUBLIC HEARING CLOSED AT 8:12

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 3, 1988 at 8:05 p.m. to hear all interested persons regarding: The construction of lateral water mains within the proposed subdivision of Silver Linings.

(See Water District Minutes)

8:05 PUBLIC HEARING CLOSED AT 8:14

Supervisor Janoski, "I have a minute remaining before the next public hearing. Is there anyone who would like to address the Board on any subject? How about we do one resolution. You don't get a point of order Bill, but what the heck."

William Kasperovich, "You go to resolutions before anyone..."

Supervisor Janoski, "I just did that. I just asked if somebody wanted to speak."

William Kasperovich, "Well, I don't know whether the five minute rule applies or if we've got the one minute."

Supervisor Janoski, "It depends how interesting you are."

William Kasperovich, "Since I'm concerned with the first resolution on the agenda tonight, I talk this way. Ok. With regard to resolution 305 for allowance of a change order to the scavenger waste system in the amount of a maximum \$10,000, I think it's worth taking a look at. I can't remember all the pipelines that I saw on the drawings and I don't know if the job was installed as per the drawings but I do recall some tie in with our existing sewer system."

Supervisor Janoski, "If I could Bill, I could explain that. I see that Clem is not here. It has to do with a change, maybe Sam can help us with this, the change in the scavenger waste dealing with the sand. Could you explain that change order. Are you familiar enough with it?"

Sam McLendon, "I'm not familiar in detail. All I recall is that the amount of sand that's coming in with the scavenger waste is a lot more than had ever been thought and had shown up in the samples that were analyzed before the plant was designed and this is a methodology to take care of getting the sand out of the place."

Supervisor Janoski, "Also, there's a problem in the amount of sand the fellows have to pick up with these 55 gallon drums filled with sand and transport them and this will also address that particular problem."

William Kasperovich, "Well, I thought we had arrangements in the specs and contracts where we were going to have containers and vehicles and arrangement for operators to use these vehicles. All of which were to accommodate any material that couldn't go down the pipeline. Now, what happened to all that arrangement? As far as the sand being introduced, I don't mean to sound critical of Clem Petraszewski because I know he's doing a good job out there but we are allowing these honey dippers that come out of Southampton that enlarge the peoples' cesspool by sucking out the bottom as far as their equipment could go because they've got to pay for a full tank anyhow. So they suck down and make just a bigger bottom. And we're allowing this by not monitoring what is being deposited. So the fault of having sand in the system is our own. And now we've got to pay \$10,000 to undo it."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Are you opposed to the spending for the change order?"

William Kasperovich, "Yes. I mean, further down the line you're introducing a man at \$23,000 a year as another operator there and this is not going to be a one shot proposition. We've got to clean it out, that's what we got the personnel and equipment for and there certainly isn't that much material. Now, if we can't do it mechanically, we can do it hydrolically. But that's what we have our own people there for. And I think this kind of thing is the things they should be doing."

Supervisor Janoski, "Thank you Bill. Sam, do you have anything else?"

Sam McLendon, "Can I just make one comment with regard to the ability of the operating personnel to reject such a waste. I don't think they would have the knowledge as the stuff comes from the trucks, to detect the sand."

Supervisor Janoski, "Inspecting it would be an interesting assignment."

Sam McLendon, "You would almost have to collect, grab hand samples as the stuff was emanating from the trucks and pour off the top stuff and see how much sand was on the bottom. I don't think it's practical to monitor the quantity of sand actually coming in with each truck load."

Councilwoman Civiletti, I have a question. Is this something that's going to have to be done regularly? Or is this a problem because of what's there that has to be corrected?"

Sam McLendon, "I am not certain Denise."

Supervisor Janoski, "As I understand it, is in the category of machinery, mechanisms that will deal with this sand that's in the scavenger waste automatically. Thank you both. Is there anyone else wishing to say anything before we go on to the next public hearing?"

William Kasperovich, "You're going back to the public hearings?"

Supervisor Janoski, "Yes we are."

William Kasperovich, "Alright. I reserve the right to return."

Supervisor Janoski, "Well, why don't you get it out of the way right now Bill."

William Kasperovich, "Alright. Several Town Board meetings ago, Councilman Boschetti introduced requirements and requisites for a person to fill the position of Planning Director. Councilman Pike brought in Civil Service procedure. He knocked down all the presentation that Boschetti had by bringing in Civil Service. And

PERSONAL APPEARANCES, ContinuedWilliam Kasperovich, Continued

Civil Service, and last meeting you appointed a man to that position and no Civil Service. Down at the Civil Service Office, they don't know anything about it. Nobody asked about it. They haven't heard anything about it."

Supervisor Janoski, "Which Civil Service did you go to Bill, because Mr. Hanley was appointed off a Civil Service list which I applied for and requested."

William Kasperovich, "Civil Service told me that afternoon (this Tuesday) that there was no such list."

Supervisor Janoski, "Jack, where was Hanley on the list? Was he number one?"

Jack Hansen, "Yes."

Supervisor Janoski, "He was number one on said Civil Service list for Planning Director. Obviously he took the test and scored number one amongst those who listed there. And I have to guarantee to you Bill that we follow the Civil Service procedure required."

William Kasperovich, "Well, I will quote you tomorrow morning at the Civil Service Office because they told me there was no such thing."

Supervisor Jansoki, "I had a copy of it and I guess we still do."

William Kasperovich, "Well, I was there and I was waiting to take the examine and I was waiting to fill out the application."

Supervisor Janoski, "The examine for what?"

William Kasperovich, "Well, don't you know what I'm talking about?"

Supervisor Janoski, "No. The examine for what?"

William Kasperovich, "For Planning Director. And I said, what's happened? They appointed Hanley and there's no request for a list. There's no Civil Service procedure."

Supervisor Janoski, "At the Civil Service Office in Islip?"

William Kasperovich, "Yes. 15 Jetson Lane. That's correct."

Supervisor Janoski, "Well, we will certainly be happy to show you a copy of the Civil Service list on which Mr. Hanley appears and give you the names and addresses of the individuals from that list who were interviewed."

William Kasperovich, "Then I see you have ordinance, resolution 309 for an Ordinance Inspector. There's a list. There's all kinds of applications from the past and now you've started something new discarding all the past which would mean that you disqualify all

PERSONAL APPEARANCES, ContinuedWilliam Kasperovich, Continued

previous applicants and saying there's nothing on the list that is acceptable. Now, this can not be an equal opportunity employment. So I don't understand what this 309 is all about. I do know we buried Gus Gillen. That much I know. So you're without a man and without a good man to say the least. But then this is again, not Civil Service procedure."

Supervisor Janoski, "Bill, perhaps I can help you out. Let me tell you something. If we do...."

William Kasperovich, "Well, you told me something at the funeral house that's ringing between my ears and I don't think I want to hear anything from you. I think I'm talking to the other four Councilmen here because one presented it in detail at what sounded like considerable study and the other man introduces Civil Service and then there's no Civil Service I'm told. Now, I see... You're telling me this is not true. Ok. You're saying that I was not correctly informed down there at the office. Ok. Now, you have something I am informed about and you...."

Supervisor Janoski, "I just want to say Bill and let me just put it very simply. That if we hire someone improperly, Civil Service will not certify the payroll of that person. And therefore, we will be illegally expended town funds and we don't do that. So I'm telling you that we follow Civil Service Law to the letter because they check what we do. So I'm telling you that we follow Civil Service Law to the letter because they check what they do and subsequently will not allow us to pay. And if we do a contravention of that, we are breaking the law and subject to paying back the money out of our own pockets. So I've got to tell you, we do it right."

William Kasperovich, "I don't think it's discreet of me to say or quote this person that told me. But they told me that you are illegal and if I want to correct it, they have legal procedure to take you to court. So apparently, they do think that you are not running a legal show up here. Now, if we get to court, I will tell who said this and the person agreed to be quoted. But to just give me a bunch of breeze of this serious nature and like me. The people themselves are Civil Service employees and have no reason to talk this way."

Supervisor Janoski, "Thank you Bill."

William Kasperovich, "We have a resolution 316, 318, 19 and 28, each one listing two separate men (police officers, sergeants and so forth) to go to some kind of seminar. If we've got 2, 4, 6, 8 going, who is going to mind the store? We're always saying we don't have enough men to cover the things that have to be done and we're going to send this many men out to seminars. Who is going to mind the store?"

Supervisor Janoski, "Do you object to that Bill?"

PERSONAL APPEARANCES, Continued

William Kasperovich, "I object to sending them without somebody covering their duties."

Supervisor Janoski, "Bill, thank you. Your statement is on the record and that will be part of the record of this Town Board meeting. If you would, I'd like to get on with the..."

William Kasperovich, "Would you tell me something now? Would you tell me where we stand with the hamlet study in Wading River?"

Supervisor Janoski, "Bill, I'm sorry but your time at the microphone has expired. I would like to get on with the public hearing because I'm paying him a lot of money to be here. If you will relinquish the mike."

William Kasperovich, "Well, you're paying him a lot of money, you ought to pay somebody to see if that he earns it. Not just pay him by the hours that he's here. Now, you people...."

Supervisor Janoski, "Bill, I've asked you once to relinquish the microphone and I'm now asking you again to please take your seat and let us get on with the public hearing. I say please and I am asking. I will recognize you again because...."

William Kasperovich, "Alright. Now, as long as you've made the statement that you will recognize me again to speak, I will relinquish the microphone but only under those conditions."

Supervisor Janoski, "Thank you. Let the record show that the hour of 8:27 p.m. has arrived. The Deputy Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 3, 1988 at 8:15 p.m. to hear all interested persons who wish to be heard regarding: The construction of a lateral water main within the proposed subdivision of Brandywine Farms, Jamesport.

(See Water District Minutes)

8:15 PUBLIC HEARING CLOSED AT 8:39

Supervisor Janoski, "We are going to take a recess until five minutes of the hour of 9."

TOWN BOARD MEETING RECESSED AT 8:39

TOWN BOARD RECONVENED AT 9:00

Resolutions #305-#332 found on pages 599-633 of 1988 Resolution Book.



RESOLUTIONS, Continued#322 APPROVES APPLICATION OF NANCY RINEHART.

(See Page 621 of Resolution book for body of resolution).

Councilman Pike, "Is this the one we were considering having a re-hearing on? What is the substance of this approval?"

Supervisor Janoski, "It over rides completely."

Councilman Pike, "The reason we're having this is we did not go over these items by item. We talked last time. We thought there was an opportunity...."

Supervisor Janoski, "I believe that I remember mentioning that there was a willing mover and seconded on this one. I remember saying that."

Councilwoman Civiletti, "If we're going to discuss it, let's discuss it. Not whisper up here. Would you like to make a motion to re-open this hearing? I know that we discussed that."

Councilman Pike, "Yes. From personal inspection after the hearing on this one, something became apparent to me about this application that wasn't apparent a rather extended public hearing. And that was; the extent to which the applicant here took a two stage development to get to this deck. Now, apparently, there was a porch area, a covered deck if you will that was closed in and then they went for the application to extend the property, the deck closer to the line, the bluff. We're extremely close to the bluff here and if there's a distinction here, it's to some extent, the need for the deck is entirely self-created. I thought if we were going to change our decision on that basis, that we should rehear it and I would make a motion to rehear it rather than approve it at this time."

Councilwoman Civiletti, "You looked at it and you determined that there was a porch that was enclosed."

Councilman Boschetti, "Mr. Supervisor, there's already a motion on the floor."

Supervisor Janoski, "I'm just trying to figure out what we got here. We're in discussion period here."

Councilwoman Civiletti, "You determined that there was a porch that was enclosed?"

Councilman Pike, "Well, I didn't see it before hand but it sort of looks that way."

Councilman Boschetti, "Is there any evidence to that effect?"

Councilman Pike, "Not in the record now and that's why I'd like to rehear it."

Councilman Boschetti, "Are you aware of any evidence to that effect?"

RESOLUTIONS, Continued

Councilman Pike, "It looks that way."

Councilman Boschetti, "Does that mean yes?"

Patricia Moore, "Was there a building permit requested for the enclosure of a deck, porch rather?"

Lynn Gordon, Attorney, "I believe it was done many years ago as in 10 or 15 years ago. Whether or not there was a building permit at that time, I really don't know. I wish I had the answer for that for you right now. And I'm not positive as to the time frame as to when it was done either."

Councilman Pike, "Again, we have a disputed factual basis here. I was inclined, as you know, to approve it. But if in fact they created the need to get closer intentionally, it's an entirely self-created hardship."

Lynn Gordon, "I think the porch was always part of the house that was destroyed by fire and rebuilt. And it may have been that the porch was actually enclosed at the time of the rebuilding of the fire which would have been in '67 maybe. If you want to re-open the hearing, I'll have to drag my client in from Connecticut again to do this."

Supervisor Janoski, "Well, let's see what happens here as far as the motion on the floor. Any further discussion."

Councilman Pike, "Yes. I'd like to get to the bottom of it. Evidence that wasn't put in the record at the hearing as my own personal knowledge and I know I can base my decision on that. But I'd like everybody to base it on what the truth is here. There's a controverted item of fact and I think we could properly clean up the record and make a decision one way or another after a new hearing. I make a motion to table and rehear."

Supervisor Janoski, "I have a motion on the floor which moved and seconded on the question."

Councilman Boschetti, "You need a second for his table."

Councilman Pike, "Table takes precedant."

Supervisor Janoski, "Anyone want to second the motion to table? There being no second, I will call the question which has been moved and seconded."

Councilman Boschetti, "In view of the fact there is no evidence before us and all of this seems to be heresay, I'm going to vote yes."

Councilwoman Civiletti, "The evidence in the record does not establish anything other than we have a stable bluff and somebody who wants to build a deck in a very unique situation. There are two stone jetties and a heavily vegetated bluff and there is no evidence in our record that establishes anything. Our own C.A.C. Chairman stated in the record of this hearing which I think took place on March 15th, that the sole reason that he wanted us to stick with the C.A.C. decision

RESOLUTIONS, ContinuedCouncilwoman Civiletti, Continued

was that it would set a bad precedent. And while I understand his feeling, I don't think that that's enough. I think that this case is distinguishable on the facts and I hope that the members of the C.A.C. do not take this as any lack of appreciation for what they do for us but I vote yes."

Councilman Lombardi, "Well, I went up there and looked at it. Lou and myself and we did see that it was stable ground. We looked at the area and I have to vote yes on it."

#326 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE, REPEAL LOCAL LAW NO. 4-1987 (RACEWAYS, MOTOR VEHICLE).

Councilman Pike, "Do you want to explain the court decision for us please."

Councilman Boschetti, "And also please explain why we have to repeal it."

Patricia Moore, "This is as a result (as you know) of the raceway ordinance which went through the court proceeding. The judge ruled that because of a technicality in the enactment of the Local Law that this raceway ordinance is null and void which means that it can not be enforced. In order to enact a new Local Law, we have been advised by the Secretary of State, it is adviseable to repeal the Local Law (Local Law 4-1987) and resolution #327 will be to publish and post Local Law of 1988 which will re-enact the raceway ordinance."

Alice Graff, Riverhead, "The H2M agency, I understand that they're involved in the sewer, scavenger and water departments. Are they involved in anything else?"

Supervisor Janoski, "They have, on occasion, done some design work with regard to drainage and the First Street Parking Lot. They're involvement in drainage projects have been severely diminished over the past several years. Their work for the town is confined mainly to Water District and Sewer District."

Alice Graff, "Are they the only company that does that kind of work?"

Supervisor Janoski, "No they are not."

Alice Graff, "I was just asking for my own information. At the meeting (I guess it was) of the early part of March, I spoke of my feelings on water conservation and the overdevelopment etc., etc. And I said that we have a water problem and the H2M man said no. Riverhead is very unique. It does not have any problems because of its system. And that was on a Tuesday. And on a Thursday, comes out in the News Review, April 7th and it says; Riverhead Water District may implant a water conservation program because of its limited underground water supply. This is in the legal notice. So I dispute the man from H2M. There is a water problem and we better address it."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Do you believe the News Review before the...."

Alice Graff, "Well, it says legal notice. It says; (do you want me to read the whole Riverhead section here?) the Riverhead Water District may implement a water conservation program in 1988. Each individual customer of the district can also implement water conservation measures such as retroughing plumbing fixtures, modifying, etc., etc."

Councilman Pike, "Alice, do you want an answer? Two different things are going on here. First, the later, as of this year, the Water District has to by law, tell the State what it's doing to conserve water. So that we just approved a annual water statement a couple of weeks ago that talks about us taking measures to conserve water. We have not in the past because of our relatively plentiful supply, done much in that area. But we now can and have to report back to the State as to what we're doing. On the other end of the equation, what perhaps H2M and people have focused on water supply in the town are talking about is that our unique situation is basically unique in the five East End towns which is we have deep level aquifers in the southwest corner of the town which none of the other East End towns have. We have also upzoned that area so that over ten thousand acres is basically developable with additional residences that Rick Hanley of the Planning Department tells me is something line three hundred homes additional for all of that remaining ten thousand acres. The idea is that if you preserve all of the water quality there, you would have enough for the permanent supply of the saturation population of the Town of Riverhead. That's an enormous amount of water and it's the unique thing about Riverhead that the other East End towns don't have."

Councilwoman Civiletti, "That's not to say that we shouldn't still conserve water."

Alice Graff, "I think that we're overdeveloping and we should still conserve water in that field too."

Supervisor Janoski, "Now, without objection, meeting adjourned."

There being no further business on motion or vote, the meeting adjourned at 9:33 p.m.